

1 **NICHOLAS DE PENTO**  
Attorney at Law  
2 State Bar No. 47672  
501 West Broadway  
3 Suite A-410  
San Diego, California 92101  
4 Telephone (619) 236-1151  
Fax (619) 236-1389  
5 depentolaw@sbcglobal.net

6 Attorney for Defendant  
**DERRICK WORTHY**

7  
8 **UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF INDIANA**

9  
10 UNITED STATES OF AMERICA

11 Plaintiff,

12 vs.

13 DERRICK WORTHY,

14 Defendant,  
15

Case No. 10-CR-0007-JMS-CMM

**DEFENDANT'S SENTENCE**  
**MEMORANDUM**

16  
17 Defendant Derrick Worthy hereby submits the following Sentencing Brief in his behalf.

18 Derrick Worthy is 49 year old and stands 6 feet 6 inches tall.

19 He is a proud man and knows what he did was wrong. In his arrest and his debriefing  
20 sessions thereafter he has attempted to right his wrongs.

21 His testimony at the Trial against the co-defendants speaks for itself in placing himself  
22 out in front with his cooperation but also went against everything that he had thought was the  
23 right thing to do when you commit an offense and not to involve others or 'rat' on others to be  
24 a man.

25 He broke that hard line and his 6 foot 6 inches mold and he changed in every way  
26 possible to change his life for the better and to assist the government in whatever way he could.

27 It is felt the convictions obtained by the government in this case for those who went to  
28

1 trial was clearly by in large part through the assistance of Mr. Worthy.

2 Such added participation on his part was built into the Plea Agreement but seldom occurs  
3 wherein the majority if not all co-defendants in a criminal conspiracy generally wind up pleading  
4 just before trial. In this particular case they did not and Mr. Worthy completed his bargain even  
5 though his life will be changed forever. That, however, would still allow the Court to consider  
6 the impact towards him exceptionally of his actual live testimony in appearing in Court against  
7 his fellow co-defendants. It was exceptionally significant for the jeopardy that one incurs. This  
8 would allow the Court to provide for additional departures in defendant's sentence beyond that  
9 which is stated in the Plea Agreement.

10 His past conduct and criminal activity provided a source for the narcotics distributed in  
11 the conspiracy.

12 His testimony at trial provided the evidence to have all of those responsible come to  
13 justice who distributed it as well. Some compromise in our system of justice needs to be reached  
14 by all to determine the future for Derrick Worthy, his wife and his family. The fate of his co  
15 defendants is now known by their convictions.

16 The difficult part of defendant's situation presently is that from a criminal conduct past  
17 with his last serious felony in 1990 he seemed to have left it behind him from his incarceration  
18 parole status in 2002. As he writes in his letter to the Court he seemed to have been able to keep  
19 himself on track for 7 years with work and family and friends.

20 Then his relapse in this case makes one wonder of the weaknesses within us all. The  
21 remaining time in custody will provide the solitude and introspection required to make Derrick  
22 Worthy strong again to survive.

23 Substance abuse problems re-occured in defendant's past with especially the use of  
24 marijuana.

25 It is unlikely with his past criminal conduct involving robbery that he will be eligible for  
26 a drug treatment program. That would have provided 1 year off of his sentence for completion  
27 of such a treatment program while in custody. Even though recommended by this Court it will  
28

1 probably not be afforded.

2 In the Court's consideration of the sentencing range that should apply is the directive of  
3 18 U.S.C. 3553 that a sentence should be sufficient but not greater than necessary to meet  
4 sentence objectives of deterrence, protection of society and just punishment. In that regard, it  
5 should be noted that the Plea Agreement herein, at Page 7, states that "... No stipulation regarding  
6 any factors in Chapter 4, Criminal History Category, of the Sentence Guidelines has been made,  
7 and that such determination will be made by the Court". The Pre Sentence Report (PSR) at Pages  
8 8-11 describe a number of prior convictions attributed to Mr. Worthy. However, only one such  
9 conviction in 1990 created any Criminal History points (3) thereby resulting in Criminal History  
10 Category II. In this area, Guideline 4A1.3(b) empowers the Court to depart downward in  
11 Criminal History category if reliable information indicates that an assigned category substantially  
12 over-represents the seriousness of a Defendant's Criminal History or the likelihood that the  
13 Defendant will commit other crimes. Counsel submits the such departure, to Category I, merits  
14 consideration herein. Of Defendant's priors, all of which are quite old, seven have no element  
15 of violence or threatened violence, while three convictions for robbery date back to 1983 and  
16 1990, respectively. Counsel suggests that in light of all the factors involved in the proceedings,  
17 including Defendant's active assistance in the present prosecution and result convictions of his  
18 co defendants and his more recent record of law abiding conduct, there is room for departure

19  
20 //

21  
22 //

23  
24 //

25  
26 //



1 consideration herein.

2 In this particular case, the Court is asked to direct its attention to the person that Derrick  
3 Worthy now is and what his future should be now in that he has attempted to put his criminal  
4 ways and actions in this case behind him.

5 In clearing his conscience and in attempting to right the wrong, the future looks good for  
6 Derrick Worthy at age soon to be 50. It would not take an enhanced custodial sentence to allow  
7 him to fulfill the rest of his life with his wife and children

8 Respectfully submitted,

9  
10 Dated: May 2, 2011

11 /s/ Nicholas De Pento  
12 NICHOLAS DE PENTO, ESQ.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4/10/11

Judge I am Mayma. Kingston:

I am writing this letter to you hurriedly and succinctly. It was given a different result than on the MARCH 2010 - MARCH 2011 while I knew I was guilty the past 9 years of my life regarding it from the wrong things I have done. I got out myself. How did I come to Nigeria and a GITE GIVING and am leaving on a FEDERAL INQUIRY MEET. One GITE decision led to another and here I sit. While I have struggled with these decisions, I still like I have set my mark down the #1 reason is because when I lived here in 2005 she was at peace because she knew her BABY boy was done with his criminal behavior. I had a long time on my mind I was doing hardly more work on the side and I had also got my set set in motorcycle CUSTOMIZATION, as with that she pretty much knew I was on my way.

I was also intimate with my



7

BEST FRIEND, MY WIFE a woman with whom I'd been with since 1978 my junior year in HIGH SCHOOL, she has stood behind me and along side of me throughout all this, and I cannot say where I would be without her probably in a MENTAL HOSPITAL. I felt like I let her down as well because when she would have a rough day at work it was I that she stepped out of her meetings to call, just to hear my voice would give her enough strength to get back on there and say okay, well now there is no phone to call me on.

my children that adore me as I them, it just gets over whelming at times cause I have always been the "GO TO GUY" of my FAMILY and now I feel like I have let them down as well, as I continue to move forward in life as the prosecutor MR. BLACKBURN asked me "WHERE DID YOU MEET THESE PEOPLE?" He told me it seemed like we were miles away from knowing each other, like night and day. And that



3

is exactly like it was. I did not know them any more than I knew the MAU on the boat. It goes back to the 2 decisions I made, I take full responsibility for the decisions I made. I am hoping it does not cost me #1 MY FAMILY and #2 MY JOB. I will continue to speak and mentor the youth because I think I have a powerful love and an incredible story to tell about my past and if I can prevent 1 child from going through what I went through in life then I will feel that MY LIFE here on EARTH was not in VAIN. MY FAITH, TRUST & BELIEF will not be swayed it all goes back to our ~~decisions~~ decisions.

Thank you so much

Demek Worthy



March 23, 2011

To whom it may concern:

This letter is being submitted to provide the courts a slight insight to Derrick L. Worthy describing his character and role as the husband, the father, the man.


Derrick and I met in 1978 over 30 years ago. Where as we married in June of 1991. Successful marriages require work and today with the many divorces our society faces is partially due to fact that couples no longer want to put in the necessary work to allow their marriages to succeed. Its much easier to walk away. Derrick is the epitome of what a husband should be. Although he inhabits the standard qualities of a husband being the protector and the provider, he's also a good listener and communicator as well as he's able to apologize without being prompted. He feels without being prompted and he has a sense of obligation to shoulder the expected and the unexpected responsibilities. He's sensitive to my emotional changes and is loyal and honest. He's willing to compromise during disagreements to avoid long drawn out arguments and more important he's the spiritual head of our family which is the highest compliment that I can give him as this is an attribute that God has charged him to be. Because Derrick is a loving and nurturing husband and because he's my friend is how we survived all these years.

A good father must first of all be unconditionally loving, trustful, respectful, have impartial judgment, he must be fair, non-hypocritical and able to say sorry when he makes a mistake. He must be able to encourage the best in his children but nurture and support rather than criticize when they fail. A father should protect, build self-esteem and praise his kids often. He should honor his kids mother at all times and show them how a man should treat a woman with love, tenderness, patience and attention. A father should adore his children along with their mother. Derrick's children are blessed to have a father that display these characteristics although its tough in today's society because our kids are exposed to so much he continues to bring balance to their lives.


A good man is a kind and compassionate, he is honest and often described as a hard worker. A good man fears God and is obedient to his word. And a good man is able to forgive when wrong doing occurs even if the wrong doing is made by the man himself. Being able to acknowledge, forgive and learn from our mistakes is not an easy assignment to take on. Derrick has learned that although he made some bad decisions in his life that his past does not predict his future. He acknowledge his wrong and accepts the results and learns from the situation.

In summary, Derrick L. Worthy is a great husband, an ideal father, and a good man that is also God fearing. A man that loves his family. I'm confident because he possesses these characteristics that he can and will continue to be an asset to society.

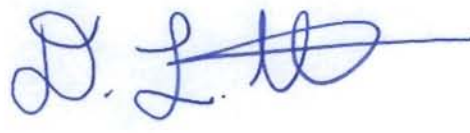
Humbly submitted,



Tara L. Phillips-Worthy, wife



Taneisha L. Worthy, daughter



Dominique L. Worthy, daughter





**DOUBLE ROCK MISSIONARY BAPTIST CHURCH**

**E. JOSHUA SIMS, PASTOR-TEACHER**

**DR. JOSEPH L. HOLMES, FOUNDER**

*Isaac Suttis  
Chairman of  
Deacon Board*

**March 16, 2011**

*Harold Tyler  
Chairman of  
Trustee Board*

**TO WHOM IT MAY CONCERN:**

**It is with great pleasure that I provide this letter on behalf of *DERRICK WORTHY*.**

*Curtis Burries  
Treasurer*

Mr. Derrick Worthy is the epitome of a sprit-filled Christian husband and father. His family environment is a strong and supportive one that has the respect of the church and community. He has been a member of the Double Rock Baptist Church Family for more than eight years and was regular in attendance at Sunday Church School, morning worship service, and Bible Study. Also, he was highly visible at special events and programs, and totally involved in all aspects of Kingdom building, from the Men's Ministry to Young Kingdom Builders (YKB), a ministry, which gives guidance to teenage boys. Derrick was also very instrumental in helping to coordinate numerous activities i.e. Annual Church Picnic and Youth Retreats. He was faithfully committed to supporting his church and pastor and contributed financially to support other ministries in the church. Just the aforementioned speaks well of his character and commitment.

*Lois W. Wilkey  
Executive/Financial  
Secretary*

I cannot emphasize enough how valuable Derrick is to the Double Rock Family. Given his record of service to our church, Derrick is highly deserving of any favorable consideration, which I am confident will be rewarded by his behavior in the future. I am certain Derrick will continue to be an asset to society in general and to the Double Rock Baptist Church in particular.

*Lisa Dottie  
Church Clerk*

Derrick Worthy possesses a love for the Lord, his family, and his church family; he has a great deal of initiative, demonstrates a desire to succeed, and, in my opinion, has all the attributes necessary for success. I have the highest regard for his integrity and dignity.

Please feel free to contact me if there is a need for additional information regarding Derrick Worthy.

Sincerely,

**E. Joshua Sims  
Pastor-Teacher**

March 11, 2011

Demetrel Garrison  
991-C Lomas Santa Fe Dr  
Solana Beach, CA 92075

Re: Derrick Worthy

To Whom It May Concern:

In the 30 years I have known Derrick Worthy. I have been impressed with his dedication to his family and friends. He has been a big brother to me and has been the love of my closest friend's life since I was a teenager. Derrick demonstrates a giving and generous spirit to those who are less fortunate. He has made a special effort to include his neighborhood friends whenever it is possible. What I love most about Derrick is he's always willing to go the extra mile to make things right. He's a peacemaker.

If you have any further questions, please feel free to contact me by phone at (760)-550-4988.

Thank you!

Sincerely,



Demetrel Garrison



TOTAL YOUTH DEVELOPMENT  
SPIRIT \* SOUL \* BODY  
FITNESS TRAINING CENTER



"Kicking It Up A Notch"

P. O. Box 882005  
Los Angeles, CA 90009  
Office (310) 962-3788

Fax: 310-534-8490 / Email: [totalyouth2000@yahoo.com](mailto:totalyouth2000@yahoo.com) / Website: [totalyouthfitness.vpweb.com](http://totalyouthfitness.vpweb.com)

---

March 7, 2011

To: To Whom it May Concern

From: Pastor Robert L. Cummings Sr.

I've known Derrick for about a year and half and in that short period of time it has been a pleasure. He asks me to mentor him and show him the life of Christ. I watched his character grow as we begin the journey. I told him I only want one thing from you and that is commitment. He was a faithful man to the word.

Derrick is outstanding and dedicated husband and father to his wonderful children. I would not hesitate to recommend this gentlemen's release to his family and community. I'm one of the Assistant Pastor at Crenshaw Christian Center where the founder is Apostle Fredrick K. C. Price. It's a wonderful opportunity to write this letter on behalf of Derrick Worthy.

In the Service of the King

  
Pastor Robert L. Cummings Sr.

P + O = S

"WHEN PREPARATION MEETS OPPORTUNITY THERE IS AN EXPLOSION OF SUCCESS"

TOTAL YOUTH DEVELOPMENT  
SPIRIT \* SOUL \* BODY  
FITNESS TRAINING CENTER



"Kicking It Up A Notch"

P. O. Box 882005  
Los Angeles, CA 90009  
Office (310) 962-3788

Fax: 310-534-8490 / Email: [totalyouth2000@yahoo.com](mailto:totalyouth2000@yahoo.com) / Website: [totalyouthfitness.vpweb.com](http://totalyouthfitness.vpweb.com)

---

March 7, 2011

To: To Whom it May Concern

From: Gerald Walton

I've known Derrick over 20 year's year and it has been a wonderful time to have a man of is character in my life. Derrick is outstanding and dedicated husband and father to his wonderful children. What a contribution he can bring to the life of many families though is testimony. I would not hesitate to recommend this gentlemen's release to his family and community.

In the Service of the King

Gerald Walton

A handwritten signature in black ink, appearing to read "Gerald Walton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

P + O = S

"WHEN PREPARATION MEETS OPPORTUNITY THERE IS AN EXPLOSION OF SUCCESS"



March 4, 2011

To Whom It May Concern:

Derrick Worthy has been a loyal and trustworthy friend to my family for over 30 years with a proven history of kindness and generosity. A testament to his thoughtfulness and concern for others is that I recently fell upon a hardship in which he did not hesitate to assist with his support. When he learned that I did not have transportation to work, he immediately stepped in to help by allowing me to drive his truck.

Further, he has been an asset to the Stevenson Village community. For several years he has participated in the Annual Terrance Lynn Basketball Tournament in which he graciously gives his time and talents to instruct young children in basketball fundamentals and skills.

Derrick has the ability to customize and build Harley motorcycles. He has helped me take my stock 2006 Harley Deluxe and turn it into a model bike for C&C Cycles featuring the bike in their Magazine. Derrick's talent to build bikes has influenced several others to put together their bike following his guidance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Allen".

Steve Allen

11<sup>th</sup> March 2011

To the sentence judge

Your Honor

I have known Derrick L. Worky for 32 years. He is my uncle. We have a close relationship. I would like to add (or confirm) he has advised me in a positive way in many areas of my life. Which has helped me to succeed and stay grounded. He is extremely dedicated to his family and community and is entirely peace loving.

George L. Davis





March 4, 2011

To Whom It May Concern:

My name is Gayle T. Williams and I am a wife, mother, and grandmother. Currently I am a Broker with Keller Williams Realty and I have been in the real estate field for over 19 years.

This letter is in regards to my dear friend Derrick Worthy. Not only is he my friend but he is also a business associate of mine. Our relationship has grown throughout the years and I consider him family.

Integrity, considerate, kind, and trustworthy are just a few words to describe this family man. He is well respected within the community and his business ethics are top notch. Our relationship began on a business level when my husband introduced him to me years ago. They are childhood friends and I needed a handy man to partner up with me through the selling and listing of my real estate properties. There was never a job too small or too big for Derrick. During our business relationship I was able to not only trust him for repairs, painting, carpentry, electric, and trash removal of my business properties, but for my personal properties as well. With his dependability and reliable stature, I was able to refer him to countless business partners of mine in the industry. As you know your word is important in any business arena and Derrick never let me down.

As our business relationship spawned into a friendship, when my family was in need he stepped in. My husband suffered a life threatening motorcycle accident in 2006 and he was he was in the hospital and physical therapy for months, but my house never skipped a beat. Derrick came over my house every day, 7 days a week for over 2 months! He helped me and my family continue on, by providing us structure, while our rock was out of commission, while still leading his household.

Mistakes happen in life, they occur daily. But I pray that my words were able to touch your heart and you can grant grace to a man who is well deserving.

Thank you for your time.

Respectfully,

A handwritten signature in cursive script that reads 'Gayle T. Williams'.

Gayle T. Williams  
(310) 995-2120  
Drc 01170805

**CERTIFICATE OF SERVICE**

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served via CM/ECF this day upon:

Case Name: USA v DERRICK WORTHY

Case Number: 2:10-cr-00007-JMS-CMM

Bradley A. Balckington     bradley.blackington@usdoj.gov

Date: May 2, 2011

/s/ Nicholas De Pento  
NICHOLAS DE PENTO  
Attorney for Defendant  
depentolaw@sbcglobal.net